

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN
2013 (FIRST) Regular Session

Bill No. 117-32 (COR)

Introduced by:

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2013 MAR 17 AM 8:18

AN ACT TO AMEND §§ 3705 and 3707 OF ARTICLE 7, CHAPTER 3, TITLE 16 GCA, RELATIVE TO EXPANDING THE DUTIES OF THE GUAM POLICE DEPARTMENT COMMUNITY ASSISTED POLICING EFFORT (CAPE) VOLUNTEERS TO INCLUDE ENFORCEMENT OF THE HANDBILLING ACT, AND FOR OTHER PURPOSES.

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1.** Section 3705 of Article 7, Chapter 3 of Title 16, Guam Code Annotated is
3 hereby amended to read:

4 ~~“§3705. Penalty, Summons, and Citation. Prohibition. Prohibited Activity;~~
5 **CAPE Volunteers; Penalty.**

6 (a) Prohibited Activity. No person may engage in any handbilling activity
7 between the hours of 10:00 a.m. to 2:00 a.m. within the marked restricted areas as
8 described in Section 3704.

9 (b) Summons or Citation. ~~A p~~Peace officers, and others authorized by law to
10 issue summons or citations pursuant to this Article, shall use the “Guam Uniform
11 Complaint and Citation” form for citing any violation of this Article. Guam Police
12 Department Community Assisted Policing Effort (CAPE) volunteers are hereby
13 authorized to patrol the marked restricted areas in Tumon Bay, as described in
14 Section 3704, for unlawful handbilling activity between the hours of 10:00 a.m. to
15 2:00 a.m., and are further authorized to issue citations for any violation of this
16 Article.

17 Volunteers are required to obtain a certificate from the Chief of Police

1 demonstrating the completion of a required course of instruction and training that
2 includes training relative to avoiding dangerous confrontations with violators of this
3 Section.

4 (c) Penalty. Any person conducting handbilling in violation of any provision
5 of this Article shall be subject to a fine of Two Hundred Dollars (\$200.00) for the
6 first offense and Five Hundred Dollars (\$500.00) for any subsequent offense.”

7 **Section 2.** Section 3707 of Article 7, Chapter 3 of Title 16, Guam Code Annotated is
8 hereby amended to read:

9 **“§3707. Creation of the Handbilling Enforcement Fund.**

10 (a) There is hereby created the ‘Handbilling Enforcement Fund.’ This Fund
11 shall be used exclusively for the support of enforcement, maintenance and
12 education efforts relative to this Act. The Guam Visitors Bureau shall administer
13 expenditures from the Fund and maintain said Fund separately and apart from all
14 other accounts. All proceeds from fines deposited into the Handbilling
15 Enforcement Fund shall be available for use by the Guam Police Department.

16 Pursuant to Section 3705 of this Act, the Chief of Police is hereby authorized
17 to use funds available in the Handbilling Enforcement Fund to cover expenses
18 relative to providing training and support for volunteers of the Guam Police
19 Department’s Community Assisted Policing Effort (CAPE) Program. In the event
20 that said Fund proves insufficient for this purpose, the Chief of Police is hereby
21 alternatively authorized to use funds available in the Police Services Fund, pursuant
22 to Public Law 31-152, to cover expenses relative to providing training and support
23 for volunteers of the Guam Police Department’s Community Assisted Policing
24 Effort (CAPE) Program.”